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ABSTRACT

This guide to the administration of the Library Systems Act for the State of Texas begins by presenting the text of the Library Systems Act. The relevant regulations from the Texas Administrative Code are then provided, covering such topics as standards for accreditation of a major resource system of libraries, minimum standards for accreditation of a public library, grants, and resource system advisory councils. Finally, the criteria for membership in the Texas Library System and requirements for certification as a county librarian are summarized. (EW)

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Texas Library Systems Act
and
Rules for Administering the Library Systems Act

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Library Development Division
Texas State Library
Austin, Texas
1987

TEXAS LIBRARY SYSTEMS ACT

Acts 1969, 61st Legislature, Page 61, Chapter 24
Vernon's Annotated Civil Statutes Article 5446a
Acts 1983, 68th Legislature, Page 558, Chapter 116, Chapter C, Section 5
Acts 1987, 70th Legislature, Chapter 147, Section 441.121
Vernon's Texas Code Annotated,
Government Code, Chapter 441, Section 441.121

SUBCHAPTER I. LIBRARY SYSTEMS

SHORT TITLE.

Sec. 441.121.

This subchapter may be cited as the Library Systems Act.

DEFINITIONS.

Sec. 441.122.

In this subchapter:

(1) "Accreditation of libraries" means the evaluation and rating of public libraries and library systems according to commission accreditation standards.

(2) "Accreditation standards" means the criteria established by the commission that a library must meet to be accredited and eligible for membership in a major resource system.

(3) "Area library" means a medium-sized public library serving a population of 25,000 or more that has been designated as an area library by the commission and is a member of a library system interrelated to a major resource center.

(4) "Commission" means the Texas State Library and Archives Commission.

(5) "Community library" means a small public library serving a population of less than 25,000 that is a member of a library system interrelated to a major resource center.

(6) "Governing body" means the body having power to authorize a library to join, participate in, or withdraw from a library system.

(7) "Interlibrary contract" means a written agreement between two or more libraries to cooperate, consolidate, or receive one or more services.

(8) "Library board" means the body that has the authority to give administrative direction or advisory counsel to a library or library system.

(9) "Library system" means two or more public libraries cooperating in a system approved by the commission to improve library service and to make their resources accessible to all residents of the area the libraries serve.

(10) "Major resource center" means a large public library serving a population of 200,000 or more within 4,000 or more square miles that is designated as the central library of a major resource system for referral service from area libraries in the system, for cooperative service with other libraries in the system, and for federated operations with other libraries in the system.

(11) "Major resource system" means a network of library systems attached to a major resource center, consisting of area libraries joined cooperatively to the major resource center and of community libraries joined cooperatively to area libraries or directly to the major resource center.

(12) "Public library" means a library that is operated by a single public agency or board, that is freely open to all persons under identical conditions, and that receives its financial support in whole or part from public funds.

(13) "Regional library system" means a network of library systems established under this subchapter.

(14) "State library system" means a network of library systems, interrelated by contract, for the purpose of organizing library resources and services for research, information, and recreation to improve statewide library service and to serve collectively the entire population of the state.

ESTABLISHMENT OF STATE LIBRARY SYSTEM.

Sec. 441.123.

The commission shall establish and develop a state library system.

ADVISORY BOARD.

Sec. 441.124.

(a) The commission shall appoint an advisory board composed of five librarians qualified by training, experience, and interest to advise the commission on the policy to be followed in applying this subchapter.

(b) The term of office of a board member is three years.

(c) The board shall meet a least once a year. The commission may call other meetings during the year.

(d) A member of the board serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

(e) A vacancy shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

(f) A member may not serve more than two consecutive terms.

PLAN OF SERVICE.

Sec. 441.125.

The director and librarian shall submit an annual plan for the development of the state library system for review by the advisory board and approval by the commission.

AUTHORITY TO ESTABLISH MAJOR RESOURCE SYSTEMS.

Sec. 441.126.

The commission may establish and develop major resource systems in conformity with the plan for a state library system as provided by this subchapter.

MEMBERSHIP IN SYSTEM.

Sec. 441.127.

(a) To be eligible for membership in a major resource system a library must be accredited by the commission as having met the accreditation standards established by the commission.

(b) To meet population change, economic change, and changing service strengths of member libraries, a major resource system may be reorganized, merged with another major resource system, or partially transferred to another major resource system by the commission with the approval of the majority of the appropriate governing bodies of the libraries comprising the system. A regional library system may be reorganized, divided, dissolved, or merged into another regional library system in a manner provided by bylaws of the corporation operating the system or by contract between the member libraries and the managing authority of the system.

(c) The governing body of a public library that proposes to become a major resource center shall submit to the director and librarian an initial plan of service for the major resource system and annually after the library becomes a major resource center shall submit a plan of system development made in consultation with the advisory council.

OPERATION AND MANAGEMENT.

Sec. 441.128.

(a) Governing bodies within a major resource system area or regional library system area may join in the development, operation, and maintenance of the system and appropriate and allocate funds for its support.

(b) Governing bodies of political subdivisions of the state may negotiate separately or collectively a contract with the governing bodies of member libraries of a major resource system or regional library system for all library services or for those services defined in the contract.

(c) On petition of 10 percent of the persons qualified to vote in the most recent general election of a county or municipality within a major resource system service area or a regional library system service area, the governing body of that political subdivision shall call an election to vote on the question of whether or not the political subdivision shall establish contractual relationships with the system.

(d) The governing body of a major resource center, the governing body or managing authority of a regional library system, and the commission may enter into agreements with the governing bodies of other libraries, including other public libraries, school libraries and media centers, academic libraries, technical information and research libraries, or systems of those libraries, to provide or receive specialized resources and services. The commission shall coordinate and encourage the dissemination of specialized resources and services and may adopt rules for the contracts and agreements authorized by this subsection.

WITHDRAWAL FROM SYSTEM.

Sec. 441.129.

(a) The governing body of a political subdivision of the state may by resolution or ordinance withdraw from a major resource system. The governing body must give notice of withdrawal not later than the 90th day before the end of the state fiscal year.

(b) The provision for termination of all or part of a major resource system does not prohibit revision of the system by the commission, with the approval of the majority of the appropriate governing bodies, by reorganization, by transfer of part of the system, or by merger with other systems.

ADVISORY COUNCIL.

Sec. 441.130.

(a) Each major resource system has an advisory council composed of six lay members representing the member libraries of the system.

(b) The governing body of each member library of the system shall elect or appoint a representative to elect council members. The representatives shall meet following their selection and shall elect the initial council from their group. The representatives in an annual meeting shall elect members of their group to fill council vacancies caused by expiration of terms of office. Other vacancies shall be filled for the unexpired term by the remaining members of the council. At all times one member of the council must be a representative of the major resource center.

(c) The term of office of a council member is three years, except that the initial members shall draw lots for terms, two to serve one-year terms, two to serve two-year terms, and two to serve three-year terms. An individual may not serve more than two consecutive terms.

(d) The council shall elect a chairman, vice-chairman, and secretary.

(e) The council shall meet at least once a year. Other meetings may be held as often as is required to transact necessary business. The council shall report business transacted at each meeting to all member libraries of the system.

(f) The members of the council serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

(g) The council shall serve as a liaison agency between the member libraries and their governing bodies and library boards to:

(1) advise in the formulation of the annual plan for service to be offered by the system;

(2) recommend policies appropriate to services needed;

(3) evaluate services received;

(4) counsel with administrative personnel; and

(5) recommend functions and limitations of contracts between cooperating agencies.

(h) The functions of the advisory council do not diminish the powers of a local library board.

REGIONAL LIBRARY SYSTEM.

Sec. 441.131.

(a) The governing bodies of two-thirds of the member libraries of a major resource system may elect, for the purpose of administering the receipt and dispersal of services under this subchapter within their area, to form a regional library system that includes all libraries that are members of the major resource system.

(b) Governing bodies of libraries within a regional library system may establish a nonprofit corporation under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) to administer the system or may contract with a private business to adminster the system. If the governing bodies form a nonprofit corporation, they may select a board of directors and adopt bylaws for the corporation. Bylaws adopted or a contract executed under this section may provide for funding and participation by other libraries. Bylaws may provide for reorganization, merger, division, and dissolution.

MAJOR RESOURCE CENTERS.

Sec. 441.132.

(a) The commission may designate major resource centers from existing public libraries according to criteria approved by the commission and agreed to by the governing body of the library involved. The governing body of a library designated as a major resource center may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(b) The commission may revoke the designation of a major resource center that ceases to meet the criteria for a major resource center or that fails to comply with obligations stated in the resolution or ordinance agreements. The commission shall provide a fair hearing on request of the major resource center.

(c) Funds allocated by governing bodies contracting with the major resource center and funds contributed from state grants for the purposes of this subchapter shall be deposited with the governing body operating the major resource center following procedures agreed to by the contributing agency.

(d) The powers of the governing board of the major resource center do not diminish the powers of local library boards.

AREA LIBRARIES.

Sec. 441.133.

(a) The commission may designate area libraries within each major resource system service area to serve the surrounding area with library services for which interlibrary contracts are made with participating libraries. Area libraries may be designated only from existing public libraries and on the basis of criteria approved by the commission and agreed to by the governing body of the library involved. The governing body of a library designated as an area library may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(b) The commission may revoke the designation of an area library that ceases to meet the criteria for an area library or fails to comply with obligations stated in the resolution or ordinance agreement. The commission shall provide a fair hearing on request of the major resource center or area library.

(c) Funds allocated by governing bodies contracting with the area library and funds contributed from state grants for the purposes of this subchapter shall be deposited with the governing body operating the area library following procedures agreed to by the contributing agency.

COMMUNITY LIBRARIES.

Sec. 441.134.

(a) Community libraries accredited by the commission are eligible for membership in a major resource system. A community library may join a system by resolution or ordinance of its governing body and execution of interlibrary contracts for service.

(b) The commission may terminate the membership of a community library in a system if the community library loses its accreditation by ceasing to meet the minimum standards established by the commission or fails to comply with obligations stated in the resolution or ordinance agreement.

GRANTS.

Sec. 441.135.

(a) The commission shall establish a program of state grants within the limitations of funds appropriated by the legislature.

(b) The program of state grants shall include one or more of the following:

(1) system operation grants, to strengthen major resource system services to member libraries and regional library system services to member libraries, including grants to reimburse other libraries for providing specialized services to major resource systems and regional library systems;

(2) incentive grants, to encourage libraries to join together into larger units of service in order to meet criteria for major resource system membership or regional library system membership;

(3) establishment grants, to help establish libraries that will qualify for major resource system membership or regional library system membership in communities without library service; and

(4) equalization grants, to help libraries in communities with relatively limited taxable resources to meet criteria for major resource system membership or regional library system membership.

RULES.

Sec. 441.136.

(a) The director and librarian, with the advice of the advisory board, shall propose initial rules necessary to the administration of the program of state grants, including qualifications for major resource system membership. The proposed rules shall be published in the official publication of the Texas State Library with notice of a public hearing before the commission on the proposed rules to be held on a specified date not less than 30 nor more than 60 days after the date of the publication.

(b) After the public hearing, the commission shall adopt the proposed rules or return them to the director and librarian with recommendations for change. If the commission returns the proposed rules to the director and librarian with recommendations for change, the director and librarian shall consider the recommendations for change in consultation with the advisory board and resubmit the proposed rules to the commission for its adoption.

(c) Revised rules shall be adopted under the same procedure provided in this subchapter for the adoption of the initial rules.

(d) The commission shall include requirements in its rules to ensure that both the population served and the constituent member libraries are adequately represented in the conduct of system business related to activities involved in the development of a plan of service and adequately

represented on each major resource system advisory council. Rules adopted as required by this subsection do not apply to the governing board or board of directors of a regional library system governed by applicable requirements of the Texas Business Corporation Act or the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes).

(e) The commission shall include in its rules provisions necessary to ensure that title to library materials and equipment that have a cost for each unit of less than $300 and that are purchased with funds appropriated under this subchapter is held by the library for which the materials and equipment were purchased, and that title to materials and equipment that have a cost for each unit of $300 or more is held by the Texas State Library.

ADMINISTRATION.

Sec. 441.137.

The director and librarian shall administer the program of state grants and shall make public the rules adopted by the commission.

FUNDING.

Sec. 441.138.

(a) The commission may use funds appropriated by the legislature for personnel and other administrative expenses necessary to carry out the provisions of this subchapter.

(b) Libraries and library systems may use state grants for materials, personnel, equipment, administrative expenses, and financing programs that enrich the services and materials offered a community by its public library. State grants may not be used for site acquisition, construction, acquisition of buildings, or payment of past debts.

(c) State aid to a free tax-supported public library is a supplement to and not a replacement of local support.

(d) Twenty-five percent of system operation grants shall be apportioned equally among the major resource systems and regional library systems that are operating under commission-approved programs of services, budgets, and bylaws or contracts, and the remaining 75 percent of these grants shall be apportioned among those systems on a per capita basis determined by the most recent decennial census or the most recent official population estimate of the U.S. Department of Commerce, Bureau of the Census.

Texas Administrative Code (TAC)
TITLE 13 - CULTURAL RESOURCES

PART I. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT
LIBRARY SYSTEMS ACT

Adopted by the
Texas State Library and Archives Commission
Revised, 4/22/87

STANDARDS FOR ACCREDITATION OF A MAJOR RESOURCE SYSTEM OF LIBRARIES IN THE TEXAS LIBRARY SYSTEM

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STANDARDS FOR ACCREDITATION OF A MAJOR RESOURCE SYSTEM OF LIBRARIES IN THE TEXAS LIBRARY SYSTEM

§1.41 Geographical Area of System.
A major resource system or regional library system shall serve a population of 200,000 or more within 4,000 or more square miles including contiguous whole counties.

§1.42 Boundaries of System.
External boundaries of a major resource system or regional library system shall be coterminous with the boundaries of councils of government, unless permission to vary is granted by the governor's office at the request of the state librarian. The state shall be organized into 10 regions as follows:

(1) Big Country Library System (32 counties): Brown, Callahan, Coke, Coleman, Comanche, Concho, Crockett, Eastland, Fisher, Haskell, Irion, Jones, Kent, Kimble, Knox, Mason, McCulloch, Menard, Mitchell, Nolan, Reagan, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Throckmorton, Tom Green.

(2) Texas Panhandle Library System (25 counties): Armstrong, Briscoe, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler.

(3) Central Texas Library System (30 counties): Bastrop, Bell, Blanco, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Grimes, Hamilton, Hays, Hill, Lampasas, Lee, Leon, Limestone, Llano, Madison, McLennan, Milam, Mills, Robertson, San Saba, Travis, Washington, Williamson.

(4) South Texas Library System (26 counties): Aransas, Bee, Brooks, Calhoun, Cameron, De Witt, Duval, Goliad, Gonzales, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

(5) Northeast Texas Library System (33 counties): Anderson, Bowie, Camp, Cass, Cherokee, Collin, Cooke, Dallas, Delta, Ellis, Fannin, Franklin, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Smith, Titus, Upshur, Van Zandt, Wood.

(6) Texas Trans-Pecos Library System (nine counties): Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, Terrell.

(7) North Texas Library System (21 counties): Archer, Baylor, Childress, Clay, Cottle, Denton, Erath, Foard, Hardeman, Hood, Jack, Johnson, Montague, Palo Pinto, Parker, Somervell, Tarrant, Wichita, Wilbarger, Wise, Young.

(8) Houston Area Library System (28 counties): Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Wharton.

(9) West Texas Library System (29 counties): Andrews, Bailey, Borden, Cochran, Crane, Crosby, Dawson, Dickens, Ector, Floyd, Gaines, Garza, Glasscock, Hale, Hockley, Howard, King, Lamb, Loving, Lubbock, Lynn, Martin, Midland, Motley, Terry, Upton, Ward, Winkler, Yoakum.

(10) San Antonio Area Library System (21 counties): Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Kinney, La Salle, Maverick, Medina, Real, Uvalde, Val Verde, Wilson, Zavala.

§1.43 Long-Range Plan of System Services (Biennial Budget).
On behalf of a major resource system or regional library system, a plan for system services shall be biennially revised, updated, and submitted to the state librarian by the major resource center, nonprofit corporation, or business. Data determining the adequacy of library services, methods to evaluate the effectiveness of system programs, and documentation indicating full membership participation in the planning process shall be included.

§1.44 Annual Program and Budget for System Services.
On behalf of a major resource system or regional library system, a major resource center, nonprofit corporation, or business shall submit an annual program and budget for system services 150 days prior to the beginning of the state fiscal year for approval by the state librarian. Approval of a major resource system's or regional library system's annual program and budget shall be certified by the state librarian in writing 60 days prior to the beginning of the state fiscal year. If, following consultation with the major resource system or regional library system, the state librarian, on behalf of the Texas State Library and Archives Commission, does not certify approval of the system's annual program of services and budget, the state librarian may recommend that the commission not contract with the major resource center, nonprofit corporation, or business until the plan is acceptably redrawn. If the state librarian does not accept a proposed program of service from a major resource center, nonprofit corporation, or business, a public hearing shall be held within the boundaries of the system, with

adequate prior notification to member librarians, to allow exchange of information among member libraries, the state library, and major resource center, nonprofit corporation, or business.

§1.45 Reestablishment of System Services.
The commission may, following a public hearing, contract with a major resource center, nonprofit corporation, or business. If necessary, the commission will provide an opportunity for public libraries to rejoin a major resource system or regional library system by resolution or ordinance of their governing authorities; or the commission may transfer the public libraries to other systems and provide an opportunity for the public libraries to join another system by resolution or ordinance.

§1.46 Interlibrary Loan and Reference Referral Services.
On behalf of the major resource system, a major resource center shall fully participate in the state library system by providing interlibrary loan and reference referral services to public libraries and other libraries served through the state library system. This requirement for accreditation of a major resource system may be waived at the discretion of the state librarian with the approval of the commission. Should libraries receiving interlibrary loan services experience dissatisfaction with the performance of the interlibrary loan contractor, they have the right and obligation to advise the commission during the period of the contract. This will be taken into consideration when the contract is being negotiated for renewal.

§1.47 Consulting and Continuing Education Services.
A major resource system or regional library system shall provide onsite consulting and continuing education services to libraries and unserved areas. At least one professional librarian shall be assigned fulltime to consulting and other system duties and provided with an adequate budget for support staff, travel, and communications to carry out these duties.

§1.53 Direct Grants-in-Aid: Prohibition.
Direct grants-in-aid to major resource system or regional library system member libraries are prohibited. Grants-in-aid are defined as cash grants for library materials or other expenses in which the major benefit is to the receiving library as opposed to the major resource system of libraries. Programs requiring direct grants to member libraries as reimbursement for providing system services are an allowable expense.

§1.54 Equalization Grants: Prohibition.
Equalization grants to major resource system or regional library system member libraries are not an allowable system expense.

§1.61 System Bylaws.
Consistent with the established rules and regulations of the state library system and the Library Systems Act, on behalf of a major resource system, a major resource center shall provide a copy of system bylaws approved by the system advisory council, the major resource center, and a majority of the member libraries to the state librarian for approval as a part of the annual program of system service. The bylaws shall specify the purposes of the library system, responsibilities and relationships of the member libraries, the system advisory council, and the major resource center with regard to review and approval of long range plans, annual programs and budgets, program and budget changes, election of advisory council

members, procedures to call and conduct membership and council meetings, employment and dismissal of system staff, and such other matters as are deemed appropriate. The bylaws will also delineate the responsibilities and duties of the officers of the system advisory council, the major resource center director, the system coordinator, and any standing committees of member librarians established in the annual program of service.

§1.63 Proposal Requirements.

(a) A nonprofit corporation organized under the Library Systems Act, §10A, seeking to contract with the Texas State Library and Archives Commission as a regional library system must submit the following for approval by the state library:

(1) articles of incorporation with the Office of the Secretary of State;

(2) bylaws adopted by the board of directors and approved by the membership;

(3) policies and procedures of the corporation on financial management, personnel, and procurement as adopted by the board of directors;

(4) long-range plan (biennial budget) (see §1.43 of this title (relating to Long-Range Plan of System Services));

(5) annual program and budget (see §1.44 of this title (relating to Annual Program and Budget for System Services)); and

(6) documentation of tax status with appropriate authorities.

(b) A business (sole proprietorship, partnership, or corporation) seeking to contract with the Texas State Library and Archives Commission to administer services to a regional library system must submit the following for approval by the state library:

(1) contracts between the business and two-thirds of the governing bodies of the member libraries;

(2) performance deposit in the form of an assignment of a savings account, a bank letter of credit, a continuous bond, a U.S. treasury bond readily convertible to cash, or any cash equivalent item, the amount to be not less than 10% of the proposed contract;

(3) certificate of good standing from the Comptroller of Public-Accounts;

(4) tax returns of the business for the last three years;

(5) audited financial statements of the business for the last three years;

(6) long-range plan (biennial budget) (see §1.43 of this title (relating to Long-Range Plan of System Services)); and

(7) annual program and budget (see §1.44 of this title (relating to Annual Program and Budget for System Services)).

§1.64 Cash Reserves: Regional Library System.

A nonprofit corporation or business shall have a cash reserve of not less than 25% of the proposed annual operating expenses from sources other than a system operations grant, not to include the performance deposit in §1.63 of this title (relating to Proposal Requirements).

§1.65 Directors and Officers of Regional Library Systems.
A nonprofit corporation shall not establish a charter or adopt bylaws that permit member library directors or member library staff to serve on the board of directors. Nor shall member library directors or member library staff serve as officers or directors of a for-profit corporation or as general or limited partners of a partnership; nor shall the commission contract with a sole proprietorship owned by a member library director or member library staff.

§1.67 Federal Priorities.
For so long as the Texas Library System is funded in whole or in part by Library Services and Construction Act Title I funds, major resource systems and regional library systems shall include in their long-range plan and annual program of services and budget projects which specifically address the Library Services and Construction Act Title I priorities, as determined by the Texas State Library and Archives Commission, upon recommendation of the Library Services and Construction Act Advisory Council.

§1.68 Nonexpendable Personal Property.
(a) Libraries shall have title to library materials and equipment purchased for them with a unit acquisition cost of less than $300 and paid for with funds appropriated under the Library Systems Act.
(b) The Texas State Library shall have title to library materials and equipment with a unit acquisition cost of $300 or more and paid for with funds appropriated under the Library Systems Act.

MINIMUM STANDARDS FOR ACCREDITATION OF PUBLIC LIBRARIES IN THE STATE LIBRARY SYSTEM

§1.71 Definition of Population Served.
For a city, nonprofit corporation, and/or county-established library spending public monies for public library service, the population served by a public library is the population in the most recent decennial census or official population estimate of the U.S. Department of Commerce, Bureau of the Census, if available. Calculations will be based upon the following:

(1) In counties with one or more public libraries that spend only city and private funds, each library is credited with serving only the city population in which it is located.

(2) In counties with only one public library and that library spends county funds, the library is credited with serving the entire county population.

(3) In counties with more than one public library that spends both city and county funds, the libraries that spend city and county funds are credited with serving their city population plus a percentage of the population living outside the cities. This percentage is the ratio of each city's population to the total of all the populations of cities with public libraries within the county.

(4) In counties with a library established by the county commissioners court or an incorporated library that spends no city funds and one or more city libraries that spend county funds, the city or incorporated libraries that spend county and city funds are credited

with serving their city populations plus a percentage of the county population living outside the cities. The percentage is the ratio of each city's population to the county population. The county library or incorporated library that spends county funds and no city funds serves all county residents not served by a city library.

(5) In counties with one library that spends county funds and one or more public libraries that do not spend county funds, the library that spends county funds is credited with serving the county population, less the populations of cities with public libraries.

(6) In counties with more than one library that spends county funds and no city funds, the county population living outside cities with public libraries shall be prorated among the libraries in the same ratio as the county funds are expended.

(7) In school districts that fund a public library, the population served by the library shall be the population of the school district. If a census bureau population estimate is not available for a school district, a population estimate shall be computed based upon the ratio of the school district population to the county population in the most recent decennial census.

(8) Libraries that enter into agreements or contracts with counties, cities, or school districts to provide public library services will be assigned population under this section whether or not there is an exchange of funds.

(9) In libraries where the population of a federal or state eleemosynary or correctional institution or military installation exceeds ten percent of the entire population of the area served by a public library, the residential or base population shall be subtracted from the population served by that library if these persons are served by an institutional or base library.

§1.72 Public Library Service.

Library services include the dissemination of materials and/or information by the library staff to the general public during posted or otherwise published hours of library outlets. A public library shall provide library services without a use charge to all persons residing in the library's tax supporting political subdivision. The following exceptions to this rule are permitted at the discretion of the library's governing authority: reserving library materials; use of meeting rooms; replacement of lost borrower cards; fines for overdue, lost or damaged materials in accordance with local library policies; postage; in-depth reference services on a contractual basis; photocopying; library parking; service to non-residents; sale of publications; rental and deposits on equipment; and charges for the use of materials and machine-readable data bases not owned by the library, major resource center, or regional library system for which the vendor or supplier has charged a borrowing fee.

§1.73 Public Library: Legal Establishment.

A public library shall be established as a department of a city or county government by charter, resolution, or ordinance; or by contract as provided for in the Interlocal Cooperation Act, Texas Civil Statutes, Article 4413(32c); or as a nonprofit corporation chartered by the Office of the Secretary of

State for the purposes of providing free public library services, and having a current contract with a city, county, or school district to provide free public library services for the city, county, or school district.

§1.74 Local Operating Expenditures.
A public library must demonstrate local effort on an annual basis by maintaining or increasing local operating expenditures or per capita local operating expenditures. Expenditures for the current reporting year shall be compared to the average of local operating expenditures or to the average of per capita expenditures for the three preceding years. Libraries that expend at least $10.00 per capita and at least $50,000 are exempt from this membership criterion. A public library shall have minimum local expenditures of $5,000.

§1.75 Public Library: Nondiscrimination.
A public library shall have on file at the state library a statement certifying that no person shall be excluded from participation in or denied the benefits of the services of that library on the grounds of race, color, or national origin.

§1.77 Public Library: Local Tax Support.
At least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation must be from local tax sources. A public library that expends at least $10 per capita is exempt from this membership criterion if it shows evidence of some library expenditures from local tax sources and is open to citizens under identical conditions without charge. Local tax sources are defined as money appropriated by school districts or by city or county governments from their general revenue monies.

§1.78 County Librarian's Certificate.
A county library shall not be eligible for accreditation unless the county librarian has received from the Texas State Library and Archives Commission a certificate of qualification, nor shall any municipal library that receives county funding be eligible for accreditation unless the municipal librarian has received from the Texas State Library and Archives Commission a certificate of qualification.

§1.79 Provisional Accreditation of Library.
A public library that does not meet one of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited for not more than an initial three year period, if the library can demonstrate a reasonable expectation of meeting the requirements within three years. However, a newly established library in a previously unserved county that does not meet two of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited if the library can demonstrate a reasonable expectation of meeting the requirements within three years.

§1.80 Probational Accreditation of Library.
A public library that has been fully accredited may be granted probational accreditation for three years if the library fails to meet not more than one of the requirements in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library). To regain full system membership, a library must

equal or exceed its previous level of effort on the deficient requirement. To achieve full system membership a library must meet the requirements in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library).

§1.81 Quantitative Standards for Accreditation of Library.
Minimum requirements for major resource system membership:

(1) A library serving a population of at least 200,001 persons must:

(A) have local expenditures amounting to at least $2.80 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 64 hours per week; and

(D) have six professional full-time librarians, with one additional professional full-time librarian for every 50,000 persons above 200,000; an additional professional librarian must be assigned full-time to system duties if the library is a major resource center. See §1.84 of this title (relating to Consulting and Continuing Education Services) for the definition of a professional librarian.

(2) A library serving a population of 100,001 - 200,000 persons must:

(A) have local expenditures amounting to at least $2.40 per capita;

(B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 54 hours per week; and

(D) have four professional full-time librarians, with one additional professional full-time librarian for every 50,000 persons above 100,000; an additional professional librarian must be assigned full-time to system duties if the library is a major resource center.

(3) A library serving a population of 50,001 - 100,000 persons must:

(A) have local expenditures amounting to at least $2.20 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 48 hours per week; and

(D) have at least two professional full-time librarians.

(4) A library serving a population of 25,001 - 50,000 persons must:

(A) have local expenditures of at least $1.80 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 40 hours per week; and

(D) have at least one professional full-time librarian.

(5) A library serving a population of 10,001 - 25,000 persons must:

(A) have local expenditures of at least $1.50 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

(C) be open for service not less than 30 hours per week; and

(D) have a head librarian who is employed in library duties at least 30 hours per week.

(6) A library serving a population of 10,000 or fewer persons must:

(A) have local expenditures of $1.20 per capita or $5,000, whichever is greater;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

(C) be open for service not less than 20 hours per week; and

(D) have a head librarian who is employed in library duties at least 20 hours per week.

§1.82 Accreditation Based on Current Operating Budget.
A public library which has not previously qualified for system membership and is actively seeking accreditation by securing the per capita support necessary for qualification may be accredited as a system member on the basis of the library's current operating budget rather than its expenditures of the preceding year.

§1.83 Telephone Requirement.
A library must have a telephone with a listed number.

§1.84 Professional Librarian.
A professional librarian is defined as a person holding either a fifth year degree in librarianship from a program accredited by the American Library Association or a master's degree in library or information science from a program accredited by the American Library Association or a higher credential from a library school offering an American Library Association-approved degree in library or information science.

§1.85 Annual Report.
A public library shall file a current and complete annual report with the Texas State Library and Archives Commission by April 30. Revisions to the annual report which would affect membership status for the next fiscal year will not be accepted after July 31. Staff vacancies that occur after April 30 shall not adversely affect applications for system membership in the next fiscal year. Staff vacancies that occur prior to April 30 which affect system membership must be filled and reported prior to July 31. Willful falsification of annual reports shall cause the library to be disqualified for one year in the first instance and disqualified for three years in the second instance.

GRANTS: SYSTEM OPERATION, INCENTIVE, ESTABLISHMENT, AND EQUALIZATION

§1.91 System Operation Grants.
System operation grants are to strengthen regional library system and major resource system services to member libraries, including grants to reimburse libraries for providing specialized services to regional and major resource systems. System operation grants are awarded to initiate and continue cooperative district-wide services sponsored by the system. Application for a system operation grant may include reimbursement to the major resource center or other contracting library for all expenses incurred in the performance of the service contract. System operation grants are awarded to major resource systems and regional library systems operating under an approved program of services and budget.

§1.92 Incentive Grants.
Incentive grants are to encourage libraries to join together into larger units of service in order to meet criteria for major resource system membership. System member libraries joining together into a county or multicounty library system may be eligible for incentive grants.

§1.93 Establishment Grants.
Establishment grants are to help establish libraries which will qualify for major resource system membership in counties without library service. An establishment grant is to assist a county without library services to meet the minimum requirements established by the commission for system membership, provided the library to be established will serve at least a county. A newly established library may apply for system membership in the year in which the library becomes operational. Such a library may be provisionally accredited as a system member. Such a provisional accreditation will not be extended for more than three years following the library's designation as a system member library.

§1.94 Unserved County: Definition.
An unserved county is defined as either a county with no existing free public library services or a county that is served by a library that has not expended funds from local city and/or county taxes for a period of three years prior to application for an establishment grant. A period of establishment may not exceed three years.

§1.96 System Operation Grant: Formula.
Exclusive of the expenditure of funds for administrative expenses, establishment, and incentive grants, 25% of system operation grants shall be apportioned equally to the major resource systems and regional library systems and the remaining 75% shall be apportioned to them on a per capita basis by the last decennial census or the most recent population estimate of the United States Department of Commerce, Bureau of the Census. The population base for distribution of 75% of the Library Systems Act funds is defined as the total population residing within the major resource system boundaries.

SYSTEM ADVISORY COUNCIL

§1.111 Advisory Council.
An advisory council for each major resource system shall be established consisting of six lay members representing the member libraries of the system.

§1.112 Advisory Council Election.
The governing body of each member library of the system shall biennially elect or appoint a lay representative for the purpose of electing council members. A lay representative may be any person not employed as a staff member by the public library he or she is to represent. Each governing body may also elect or appoint an alternate lay representative who may perform the duties of the representative in his or her absence. An alternate lay representative may not be elected to the advisory council. The major resource center shall always have one member on the council. Thereafter, the representatives in an annual meeting shall elect members of their group to fill council vacancies arising due to expiration of terms of office. The term of office for representatives and alternates shall be the state fiscal year.

§1.113 Advisory Council Terms of Office.
The term of office of a council member is three years. A council member may serve no more than two consecutive terms, but shall again become eligible for election to the council after an absence of one full term.

§1.114 Advisory Council Officers.
The council shall annually elect a chair, vice-chair, and secretary.

§1.115 Geographical Representation.
Broad geographical representation is encouraged on the system advisory council.

§1.116 Council Officers, Not Reappointed as Library Representative.
A representative is elected to council September 1, and once elected to council, represents the system. Therefore, the representative shall complete his or her council term of three years even though the council member may be replaced as the official representative of the member library.
If the council member is replaced as the official representative, the new representative may vote in behalf of his or her library at the annual meeting of representatives to fill council vacancies. No individual library in the system shall have more than two representatives on the system advisory council.

§1.117 Advisory Council Vacancies.
Vacancies on the system advisory council arising for reasons other than the regular expiration of terms of office may be filled from among the lay representatives for the unexpired term by the remaining members of the council. If a vacancy for whatever reason leaves the major resource center with no representative on the council, the major resource center's lay representative shall complete the unexpired term. If the unexpired term was held by an officer of the council, the lay representative appointed to fill the unexpired term need not necessarily be that officer. The vacated council office can be filled from among the members already on that council.

§1.118 Federated County and Multicounty Representation.
A federated county or multicounty library system will be eligible to send to the annual meeting of lay representatives either a citizen to represent the entire federated county or multicounty library system; or the federated county or multicounty library system may elect to permit each individual member in that system to send one representative to the lay meeting.

Only those federated county or multicounty system member libraries which could individually qualify for state library system membership may be eligible to send a lay representative. That lay representative shall have such votes as the representative would be entitled to under §1.123 of this title (relating to Voting by Member Library Representatives), based upon the population of the library represented.

§1.119 Council Review and Approval Process.
Unless otherwise provided for in the system bylaws, the signature of the council chairman on the following documents shall be required as certification that the advisory council has had an opportunity to review and approve: the system biennial budget, the annual program of services and budget, amendments to the annual program or budget requiring a contract modification, and system bylaws. In the event that a member of the advisory council has had an opportunity to review the documents, but does not approve their contents, a letter stating minority reports should accompany the documents to the State Library. In the event that a majority of the advisory council does not approve the contents of one of the documents referred to in this section, the chairman should sign the certificate of review and forward the advisory council's report with it. The chairman of the advisory council should sign the certificate of review in the appropriate place, if the majority of the advisory council determine that they have not been adequately informed of its contents by the major resource center staff.

§1.120 Disqualification of Council Members.
If the library represented by a council member is disqualified from system membership or chooses to withdraw from the system, that council member shall cease to be a member of the system advisory council.

§1.121 Review Procedures.
(a) Public libraries, system advisory councils, and major resource centers may request in writing review by the state librarian of decisions related to accreditation for system membership, or to rules and regulations promulgated by the Texas State Library and Archives Commission. Following such a review, a dissatisfied party may appeal in writing to the commission.
(b) Public libraries and system advisory councils may request in writing review by the state librarian for decisions made by major resource centers and system advisory councils as appropriate. Following such a review, a dissatisfied party may appeal in writing to the Texas State Library and Archives Commission.

§1.122 Appeals Procedure.
(a) Subgrantees may appeal Texas State Library staff decisions in the following areas:

(1) denial of grant award;

(2) termination or suspension of grant for failure to comply with grant terms;

(3) audit exceptions;

(4) disallowance of grant expenditures;

(5) failure to give prior approval to a grant cost;

(6) procurement dispute; or

(7) any other relevant issue arising in the administration of the grant.

(b) Steps to be followed in appeals are listed in sequence:

(1) A subgrantee that wishes to appeal an adverse determination must, within 30 days after receiving such determination, submit a brief, written notice of appeal. The notice of appeal must include a copy of the agency's adverse decision, the amount in dispute, if appropriate, and a brief statement contesting the agency's decision.

(2) The Texas State Library Appeals Board must within seven days acknowledge receipt of the appeal notice. The board shall be comprised of the assistant state librarian, the fiscal officer of the Texas State Library, and a member of the Texas State Library and Archives Commission. Such member is to be appointed by the chairman of the commission.

(3) Within 30 days of receiving an acknowledgment of the board's receipt of its appeal, the subgrantee will provide the board with all materials and documents which may be relevant to the dispute, including a written statement describing errors in the agency's final decision.

(4) After receiving the required documentation, the board will conduct its review and send a written decision to the subgrantee within 30 days. If the decision of the board is adverse to the position of the subgrantee, the board will state the basis for its decision and inform the subgrantee of its right to appeal to the Texas State Library and Archives Commission.

(5) The subgrantee may appeal in writing to the Texas State Library and Archives Commission within 15 days following the decision of the Texas State Library Appeals Board. The commission chairman (or the designated appeals officer) will provide the subgrantee written notice of receipt and of the commission's intent to act upon the appeal.

(6) Within 45 days following receipt of notification of appeal, the commission will review the appeal documents and schedule an open hearing. Written notification shall be provided to the subgrantee 15 days prior to the scheduled hearing. Parties to the dispute shall be allowed to give testimony at the open hearing. Following the hearing, the subgrantee will be informed of the commission's decision within 15 days. If the decision is adverse, the commission will state the basis for its decision.

§1.123 Voting By Member Library Representatives.

The lay representative of each member library of a major resource system shall have one vote as a representative of a member library and shall have that proportion of additional votes, which shall equal the number of member libraries, as the population served by the voting representative's library has to the total population served by all member libraries.

SUMMARY OF CRITERIA FOR MEMBERSHIP
IN THE TEXAS LIBRARY SYSTEM

Population Served: 200,001 and over
Per Capita Support: $2.80
Materials Collection: one item of library materials per capita or expend 25% on library materials
Hours of Access: not less than 64 hours per week
Staff: six professional full-time librarians and one additional full-time librarian for every 50,000 persons served

Population Served: 100,001 - 200,000
Per Capita Support: $2.40
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
Hours of Access: not less than 54 hours per week
Staff: four professional full-time librarians and one additional full-time librarian for every 50,000 persons served

Population Served: 50,001 - 100,000
Per Capita Support: $2.20
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
Hours of Access: not less than 48 hours per week
Staff: at least two professional full-time librarians

Population Served: 25,001 - 50,000
Per Capita Support: $1.80
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
Hours of Access: not less than 40 hours per week
Staff: at least one professional full-time librarian

Population Served: 10,001 - 25,000
Per Capita Support: $1.50
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials; MUST HAVE MINIMUM of 7,500 materials
Hours of Access: not less than 30 hours per week
Staff: have a head librarian who is employed in library duties at least 30 hours per week

Population Served: 10,000 or less
Per Capita Support: $1.20 or $5,000 whichever is greater
Materials Collection: one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials; MUST HAVE MINIMUM of 7,500 materials
Hours of Access: not less than 20 hours per week
Staff: have a head librarian who is employed in library duties at least 20 hours per week

REQUIREMENTS FOR CERTIFICATION AS A COUNTY LIBRARIAN

LEVEL OF CERTIFICATION	TERM	POPULATION SERVED BY LIBRARY	MINIMUM REQUIREMENTS	RENEWAL REQUIREMENTS
GRADE I	Permanent	Any County Library	Fifth year degree in librarianship from a school accredited by the American Library Association OR Masters degree or higher credential in library science from a school accredited by the American Library Association.	NA
GRADE II	Two-years	10,001 - 25,000	Graduation from accredited senior college or university OR Completion of 60 semester credit hours at an accredited college or university and 2,000 hours of paid or voluntary work experience in a library within the past 5 years OR An equivalent combination of semester credit hours from an accredited college or university and experience, where one semester credit hour may substitute for 33 1/3 hours of experience. However, there can be no fewer than 60 semester credit hours of college.	Three additional semester credit hours at an accredited college or university OR Participation in 20 hours of continuing education during the two years immediately preceding an application for renewal.
GRADE III	Two-years	10,000 or less	Completion of 30 semester credit hours from an accredited college or university OR Graduation from high school or passing GED and 1,000 hours of paid or voluntary work experience in a library in the past five years OR An equivalent combination of semester credit hours from an accredited college or university and experience where one semester credit hour may substitute for 33 1/3 hours of experience.	Three additional semester credit hours at an accredited college or university OR Participation in 20 hours of continuing education during the two years immediately preceding an application for renewal.